IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 25192 of 2007(Y)

PETITIONER:

MANAGER,
ST.JOSEPH'S HIGHER SECONDARY SCHOOL,
CHERUPUZHA P.O., KANNUR DIST.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY SECRETARY,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 25192 OF 2007

Dated this the 20th day of August, 2007

J U D G M E N T

Petitioner is stated to be the manager of an unaided School in Kannur district. According to the petitioner, he has got recognition from the Government in respect of Lower Primary/ High/ Higher Secondary Sections in the School.

2. Grievance of the petitioner is that his request for grant of recognition for the Upper Primary Section is not being considered by the Government favourably. According to the petitioner, he had submitted Ext.P2 application before the Government along with all necessary records in June 2005. The limited prayer is to issue a direction to the government to take a decision in the matter in the light of Ext.P1 order.

3. Learned Govt. Pleader submits that the request for grant of sanction for opening or upgradation of an institution can be considered only if it is made in response to a notification issued in this regard. Anyhow, this is an issue to be considered by the Government in accordance with the relevant Rules and Regulations and particularly in the light of Ext.P1 order issued by the

Government, in which guidelines have been framed for grant of recognition, upgradation etc.

The writ petition is disposed of with a direction to the respondent to consider and pass orders on the application, if any, submitted by the petitioner for grant of recognition of the Upper Primary Section in his school strictly on its merit and in accordance with law, and also in terms of the guidelines issued by the Government in Ext.P1. This shall be done, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. Respondent shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before the respondent for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007